

ORDINANCE NO. 47-043

AN ORDINANCE AMENDING SECTION 11.38.370 OF THE CODE
OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE
CHILD PASSENGER SAFETY ACT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WICHITA, KANSAS:

Section 1: 11.38.370 of the Code of the City of Wichita, Kansas, shall read as follows

(a) Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of fourteen years in a passenger car as defined in subsection (e) of this section, within the city limits shall provide for the protection of such child by properly using:

(1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard No. 213; or

(2) For a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or

(3) For a child eight years of age but under the age of fourteen years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard No. 208.

(b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such

requirements, and all of these securing locations are in use by children, then there is not a violation of this section.

(c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).

(d) It is unlawful for any driver of a passenger car to violate the provisions of this section and upon conviction such driver shall be punished by a fine of sixty dollars. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation.

(e) The \$60 fine provided for in subsection (d) shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) of this section provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2) of this section, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(f) No driver charged with violating the provisions of this section shall be convicted if such driver produces proof in the municipal court that the child was fourteen years of age or older at the time the violation was alleged to have occurred.

(g) As used in this section “passenger car” means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a

gross weight or more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.

(h) From and after the effective date of this section, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2).

Section 2. The original of Section 11.38.370 of the Code of the City of Wichita, Kansas, is hereby repealed.

Section 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 13th day of June, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law